

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5337 of 1999

to

FIRST APPEAL No 5350 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

=====

1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

OIL AND NATURAL GAS

CORPORATINO LIMITED

Versus

AHMED BAPU SULEMAN

Appearance:

M/S TRIVEDI & GUPTA for Appellants
MR AJ PATEL for respondents-orig. claimants
MR ND GOHIL, AGP for Spl. Land Acquisition officer

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.C.PATEL

Date of decision: 29/11/2000

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Appeals Admitted. Mr. A.J. Patel for the original claimants and Mr. N.D. Gohil,AGP for Special Land Acquisition Officer waive service of notice in the appeals. On a joint request of learned counsel for the respective parties these appeals are taken up for final hearing today.

2. These are appeals filed by the acquiring body under section 54 of the Land Acquisition Act read with section 96,CPC, challenging the judgement and awards passed by the Reference Court under section 18 of the said Act.

3. As a result of the hearing and discussion our attention has been drawn to an earlier decision of this Bench in First Appeal Nos.5328/1999 to 5336/1999, decided on 21st November 2000. In the said decision we had dealt with the acquisition of lands from the village Chanchvel, District Bharuch, which is the very same village from which the lands were acquired in the instant case. Learned counsel for the respective parties agree that the difference of approximately two weeks between the dates of the respective notifications under section 4 of the Act would not affect the determination of the market value within the meaning of section 23 of the said Act.

4. In the premises aforesaid, for the reasons stated in the aforesaid decision, we find that there is no substance in the present appeals and the same are therefore dismissed with no order as to costs.

ar